

## **National Trading Standards Regional Investigation Team East Midlands**

### **ENFORCEMENT POLICY**

#### **Introduction**

This document is the enforcement policy for the National Trading Standards, East Midlands Regional Investigation Team (“EMRIT”) hosted by Nottinghamshire County Council on behalf of National Trading Standards (“NTS”).

The Government set up NTS in 2012 as part of changes to the consumer protection landscape. NTS delivers national and regional consumer protection enforcement. Its purpose is to protect consumers and safeguard legitimate businesses by tackling serious national and regional consumer protection issues.

There are eight NTS Regional Investigation Teams, including the East Midlands team. The National Trading Standards Regional Investigations Teams target criminals involved with doorstep crime, counterfeiting, consumer and business fraud and other related crime.

Investigations may be assigned to the regional investigation teams through regional and national tasking arrangements following the National Trading Standards Intelligence Operating Model.

The EMRIT works in partnership with local trading standards authorities, other regional investigation teams, and other enforcement agencies to maximise effectiveness. Investigations may be carried out wholly by members of NTS teams, some are carried out mainly by officers of local authority trading standards services (with financial or officer support from NTS teams), or a combination of both.

#### **Enforcement Policy**

Trading standards exists to promote and maintain a fair and safe trading environment, promote health and wellbeing throughout the community and protect the interests of

consumers and legitimate businesses. Trading standards authorities enforce a wide range of business and consumer protection legislation relating to quality, quantity, safety, description and price of goods and services. Trading standards authorities carry out their duties in various ways including inspection, sampling, test purchasing, testing, investigation and legal proceedings, but also by informing, advising and educating businesses and consumers.

The enforcement policy and principles of the Council's local Trading Standards Service can also be found on the website at [www.nottinghamshire.gov.uk](http://www.nottinghamshire.gov.uk).

The EMRIT is charged with taking on major investigations, and in appropriate cases, bringing them to a just conclusion through the courts using appropriate criminal and civil sanctions. The purpose of the EMRIT is not to provide advice, information or carry out inspections of regulated businesses, these activities are carried out at local authority level.

When deciding whether enforcement action is necessary and proportionate, the authority making the decision will have regard to the Code for Crown Prosecutors and the Regulators' Code together with other legislation including in particular the Legislation and Regulatory Reform Act 2006, The Regulatory Enforcement and Sanctions Act 2008 and The Consumer Rights Act 2015. It will consider all relevant circumstances including the offenders profile and any mitigation offered in its consideration of proportionality.

All investigation and enforcement activities will be undertaken with due regard to the provisions of the Police and Criminal Evidence Act 1984, The Criminal Procedure and Investigations Act 1996, the Regulation of Investigatory Powers Act 2000, the Human Rights Act 1998 and Equalities Act 2010, together with any other relevant legislation or guidance that may be brought into force from time to time that affects the conduct of criminal investigations.

Officers have a variety of powers, including power to enter premises and inspect goods, books and documents and to seize and detain such goods, books and documents which may be required for evidence. We will provide at least 48 hours' notice prior to inspection, unless such a notice will defeat the object of such a visit.

Officers may also take with them such other persons and / or equipment as may be necessary when exercising powers of entry. In certain cases they may exercise an entry warrant issued by a Magistrate, in order to gain access into premises. If individuals or businesses obstruct officers they may well be liable to prosecution for such obstruction.

The prosecuting authorities for investigations that are conducted by or on behalf of the NTS Teams are local authorities. Nottinghamshire County Council, as the host authority, is the primary prosecuting authority for the purpose of the EMRIT. It is the primary objective of the EMRIT to investigate and instigate proceedings for contraventions of consumer offences as detailed in paragraphs 10 and 11 of Schedule 5 of the Consumer Rights Act 2015, whether or not those offences are later supplemented in court with more appropriate charges of fraud, conspiracy or similar.

Where Nottinghamshire County Council prosecutes for an offence outside its own area which doesn't principally affect its own citizens, the authority will have due regard to the nature of the offending and its responsibilities as the host of EMRIT.

Formal enforcement action will be taken where appropriate. For the purpose of this policy the range of options for action may include:

- Referral to another agency for action
- Written warnings
- Statutory notices prescribed by legislation
- Written undertakings prescribed by legislation
- Civil injunctions
- Simple cautions
- Enforcement orders
- Prosecution and
- Any other remedy that may be made available to the prosecuting authority by statute including appropriate applications made under the Proceeds of Crime Act 2002.

Where formal enforcement action is necessary, EMRIT and the prosecuting authority will consider the most appropriate course of action (from the range of sanctions and penalties available above) with the intention of:

- Aiming to change the behaviour of the offender
- Aiming to eliminate any financial gain or benefit for noncompliance
- Being responsive and considering what is appropriate for the particular offender and issue involved, including punishment and the public stigma that may be associated with criminal convictions
- Being proportionate to the nature of the offence and harm caused
- Aiming to restore the harm caused by non-compliance
- Aiming to deter future non-compliance.

### **Review of Policy**

The EMRIT enforcement policy will be regularly reviewed and amendments will be made, as appropriate. Amendments to the policy may also be made at other times as a result of identified improvements which contribute to the main aims of the EMRIT and NTS.

### **Availability of this Policy**

This Enforcement Policy is made available to anyone and is published on the Nottinghamshire County Council website at [www.nottinghamshire.gov.uk](http://www.nottinghamshire.gov.uk).

This information can be made available in other languages and formats. For further information please contact 0115 8041147.